

**THORNDAL, ARMSTRONG, DELK,  
BALKENBUSH & EISINGER**

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Attorneys for Cardenas Markets, Inc. and  
Marina Sosa

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

AMBER REYNOLDS, individually

Plaintiff,

vs.

CARDENAS MARKETS, INC., MARINA  
SOSA, an individual, DOE EMPLOYEES 1  
through 5, DOES 1 through 10, and ROE  
BUSINESS ENTITIES 1 through 10, inclusive,

Defendants.

Case No.: 2:15-cv-1151

**ORDER GRANTING CARDENAS'  
MOTION FOR PROTECTIVE ORDER  
(Dkt #19)**

Cardenas Markets, Inc. ("Cardenas") moved a protective order<sup>1</sup> concerning a Rule 30(b)(6) deposition Plaintiff noticed.<sup>2</sup> The court granted Cardenas' request to have this motion heard on an order shortening time.<sup>3</sup> Plaintiff opposed Cardenas' requested protective order. Cardenas' motion was heard on November 30, 2015. Michael P. Lowry appeared for Cardenas, Jason W. Barrus appeared for Plaintiff.

Cardenas' motion is granted in part and denied in part. Cardenas has admitted the first two elements of Plaintiff's negligence cause of action, duty and breach, are established. Cardenas owed a duty to Ms. Reynolds to keep the floor clear of foreign substances. It breached

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<sup>1</sup> Dkt 19.

<sup>2</sup> Notice at Dkt 20-1.

<sup>3</sup> Dkt 21.

that duty because it caused tomato sauce to be on the floor. However, Cardenas still asserts a comparative negligence affirmative defense. The court has relied upon Cardenas' admission in making this ruling.

Based upon this admission, topics 3 through 7 of the 30(b)(6) deposition notice are not calculated to lead to the discovery of admissible evidence and a protective order is granted. If Cardenas contested the duty and breach elements of negligence, a protective order would have been denied. A protective order is denied as to topics 1 and 2 as a deposition on these topics may lead to the discovery of admissible evidence concerning Cardenas' comparative negligence affirmative defense. Further, this ruling does not preclude depositions of percipient witnesses who may have observed facts relating to Cardenas' comparative negligence affirmative defense.

IT IS SO ORDERED

  
UNITED STATES MAGISTRATE JUDGE

DATED: December 15, 2015

<p>Dated this 14<sup>th</sup> day of December, 2015</p> <p>BAKER LAW OFFICES</p> <p><i>/s/ Jason Barrus</i></p> <hr/> <p>Jason Barrus, Esq. Nevada Bar No. 9344 500 S. 8<sup>th</sup> St. Las Vegas, NV 89101 Attorneys for Amber Reynolds</p>	<p>Dated this 14<sup>th</sup> day of December, 2015</p> <p>THORNDAL ARMSTRONG DELK BALKENBUSH &amp; EISINGER</p> <p><i>/s/ Michael P. Lowry</i></p> <hr/> <p>Christopher J. Curtis, Esq. Nevada Bar No. 4098 Michael P. Lowry, Esq. Nevada Bar No. 10666 P.O. Drawer 2070 Las Vegas, NV 89125 Attorneys for Cardenas Markets, Inc. and Marina Sosa</p>
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